

Serial No.: 09/746,929  
Art Unit: 2634  
Amendment dated July 14, 2004  
Reply to Office Action of April 21, 2004

### **REMARKS/ARGUMENTS**

In response to the Examiner's objections, in the paragraph starting at page 8, line 16, a minor typographical error has been corrected. A corresponding patent number has been added. In the paragraph starting at page 13, line 1, a minor typographical error has been corrected.

Claims 1 – 11, 15, and 18 – 20 remain in the application.

Claims 12 – 14, 16 and 17 have been withdrawn due to an earlier election requirement. Applicants retain the right to present claims 12 – 14, 16 and 17 in a divisional application.

The Examiner has rejected claims 1, 2, 5, 6, 15, 18 and 19 as being unpatentable over Lehman et al. (U.S. 6,282,184) in view of Wang et al. (US2002/0054623).

The Examiner has objected to claims 3, 4, 7 – 11, and 20 as being dependent upon a rejected base claim, but has indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### **Wang et al. US2002/0054623**

Wang was filed in the U.S. on September 13, 2001 and claims priority from international application PCT/RU00/00364 filed on September 13, 2000.

Revised 35 U.S.C. 102(e), as amended by the American Inventors Protection Act of 1999 (AIPA) (Pub. L. 106-113, 113 Stat. 1501 (1999)), and as further amended by the Intellectual Property and High Technology Technical Amendments Act of 2002 (Pub. L. 107-273, 116 Stat. 1758 (2002)), applies in the examination of all applications. The revised statutory provisions supersede all previous versions of 35 U.S.C. 102(e) and 374, with only one exception, which is when the potential reference is based on an international application filed prior to November 29,

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2000.

If the international application has an international filing date prior to November 29, 2000, the provisions of 35 U.S.C. 102 and 374 prior to the AIPA amendments are to be applied. In this case, for U.S. application publications of applications that claim the benefit of an international application filed prior to November 29, 2000, the U.S. application publication reference is to be applied as of the actual filing date of the U.S. application.

In the present case, the actual filing date of Wang was September 13, 2001 which is after the filing date of the present application. In view of this fact, it is submitted that Claims 1, 2, 5, 6, 15, 18 and 19 cannot be said to be obvious over Lehman in view of Wang, as Wang cannot be properly asserted against the claims of the present application. As well, it is submitted that claims 3, 4, 7 - 11, and 20 are allowable in their present form, as the Examiner concedes (through application of a secondary reference) that Lehman does not anticipate these claims.

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With the above amendments and arguments, it is believed that all of the Examiner's objections have been addressed. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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